IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 17893 of 1997

Between:

M.A.Khader, S/o Gulam Rasool,

Aged 70 years, Bus owner,

R/o Kalwakurthy, Mahabubnagar Dist.

..... PETITIONER

AND

The Licensing Officer,

Regional Transport Officer,

Mahabubnagar.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records from the file of the Respondent connected with R.No.756/A2/97, dt.7.07.1997 and quash the Demand Notice R.No.756/A2/97, dated 7-7-1997 by issuing a Writ of Certiorari or any other appropriate writ, order or direction and to grant such other order or orders as this Hon'ble Court may deems fit and proper.

Counsel for the Petitioner:MR.ARIFULLA

Counsel for the Respondent: GP FOR TRANSPORT (not present)

The Court made the following ORDER: (per BN,J)

Nobody appeared for the respondent. On the last occasion also, nobody appeared and we had adjourned the matter to this date.

The writ petitioner has been charged with the liability of Rs.23,700/- on the ground that he plied the vehicle on unauthorized route. Since the allegation was that he was plying on unauthorized route, the rate of tax was changed by the respondent as is evident from the notice dated 31-01-1997. The matter is covered by a larger bench judgment of this Court reported in **L.Royal Reddy and others vs. Government of Andhra Pradesh and others.**

Following the same, we set aside the order and give liberty to the respondent to proceed if they so desire against the petitioner for violation of the conditions of the permit.

The writ petition is accordingly allowed. No costs.

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(BILAL NAZKI, J)

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(S.ANANDA REDDY, J)

7th OCTOBER, 2004.

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To

1. The Licensing Officer,

Regional Transport Officer,

Mahabubnagar.

2 Two CCs to the Government Pleader for Transport, A.P.High Court Buildings, Hyderabad (OUT)

3 Two CD copies.